



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Sakakibara, *et al.*

Serial No.: 09/707,723

Filed: November 7, 2000

For: *Battery Pack with an Improved Cooling Structure*

Attorney Docket No.: CTW-006

Group Art Unit: 1745

Examiner: S. Tsang Foster

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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I hereby certify that this transmittal letter and the papers referred to as being enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature

David R. Burns

Please Print Name of Person Signing

DECLARATION UNDER 37 C.F.R. § 1.132

Sir:

I, Youichi Kato, a citizen of Japan, residing at 12-9 Masaki 3-chome, Naka-ku, Nagoya-shi, Aichi-ken, Japan, hereby declare as follows:

(1) I am a co-inventor, along with Kazuyuki Sakakibara and Hisakazu Okabayashi, of the subject matter described and claimed in the above-identified application, assigned to Makita Corporation, Aichi-ken, Japan.

(2) I am also a co-inventor with Masatoshi Sugiura and Kazuyuki Sakakibara of the subject matter described and claimed in U.S. Patent No. 6,537,694 of Sugiura *et al.*, assigned to Makita Corporation, Aichi-ken, Japan, hereinafter, "Sugiura *et al.*".

(3) I am the sole inventor of the subject matter described, but not claimed by Sugiura *et al.*, and relied upon by the Examiner to reject the above-identified application. Specifically, I am the sole inventor of a radiator having a heat capacity that increases in the downstream direction of a flow of cooling air. The radiator is provided in at least one air passage formed within a case of a battery pack. The air passage is formed within the case for allowing cooling air outside the case to enter the case and to pass at least one of along and between the cells, and exit from the case. The radiator is provided in the air passage so as to be in contact with an outer surface of cells contained in the case of the battery pack. Such a radiator is described, but not claimed by Sugiura *et al.*, at Column 6, lines 61 to 63.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

October 29, 2003
Date

Kazuyuki Sakakibara
Kazuyuki Sakakibara